

STAYED,ENE,IFP

**U.S. District Court**  
**Southern District of California (San Diego)**  
**CIVIL DOCKET FOR CASE #: 3:17-cv-01571-JAH-RBB**

Reyes v. United States Department of the Interior, Bureau of Indian Affairs et al

Assigned to: Judge John A. Houston

Referred to: Magistrate Judge Ruben B. Brooks

Cause: 05:0552fi Freedom of Information Act

Date Filed: 08/04/2017

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Emilio Reyes**

*Plaintiff in Pro Se*

represented by **Emilio Reyes**

615 5th Avenue

Chula Vista, CA 91910

619-829-0130

PRO SE

V.

**Defendant**

**United States Department of the Interior, Bureau of Indian Affairs**

represented by **U S Attorney CV**

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**Defendant**

**United States Department of the Interior, Office of the Solicitor**

represented by **U S Attorney CV**

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### **Defendant**

#### **Douglas Garcia**

*in his capacity as Regional FOIA Coordinator of the United States Department of the Interior; Bureau of Indian Affairs; Pacific Regional Office*  
**TERMINATED: 10/20/2017**

represented by **U S Attorney CV**  
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### **Defendant**

#### **Ryan Zinke**

*in his capacity as Secretary of the United States Department of the Interior*  
**TERMINATED: 10/20/2017**

represented by **U S Attorney CV**  
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**Katherine Lind Parker**  
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Date Filed	#	Docket Text
08/04/2017	<u>1</u>	COMPLAINT against Douglas Garcia; United States Department of the Interior, Bureau of Indian Affairs; United States Department of the Interior, Office of the Solicitor; Ryan Zinke, IFP Filed, filed by Emilio Reyes. (Attachments: # <u>1</u> Civil Case Cover Sheet) <p>The new case number is 3:17-cv-1571-BTM-WVG. Judge Barry Ted Moskowitz and Magistrate Judge William V. Gallo are assigned to the case. (Reyes, Emilio)(rmc) (jao). (Entered: 08/04/2017)</p>
08/04/2017	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Emilio Reyes. (rmc) (jao). (Entered: 08/04/2017)
08/09/2017	<u>3</u>	ORDER Granting Application for Leave to Proceed without Prepaying Fees or Costs (ECF No. <u>2</u> ). Signed by Judge Barry Ted Moskowitz on 8/9/2017. (All non-registered users served via U.S. Mail Service).(mxn) (Entered: 08/10/2017)

08/10/2017	<u>4</u>	Summons Issued. <b>Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to plaintiffs not receiving notice electronically.</b> (mxn) (Entered: 08/10/2017)
08/10/2017	<u>5</u>	NOTICE OF RELATED CASE(S) by Douglas Garcia, United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor, Ryan Zinke of case(s) 17cv1187, 17cv1188, 17cv1189, 17cv1190, 17cv1191, 17cv1192, 17cv1193, 17cv1194, 17cv1195, 17cv1196, 17cv1197, 17cv1417, 17cv1418, 17cv1419, 14cv1420, 17cv1571 . (Attachments: # <u>1</u> Proof of Service)(Parker, Katherine)(mxn). (Entered: 08/10/2017)
08/16/2017	<u>6</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to Judge Anthony J. Battaglia and Magistrate Judge Nita L. Stormes for all further proceedings. District Judge Barry Ted Moskowitz and Magistrate Judge William V. Gallo no longer assigned to case. Create association to 3:17-cv-01417-AJB-NLS. The new case number is 17cv1571-AJB (NLS). Signed by Judge Barry Ted Moskowitz on 8/14/2017. Signed by Judge Anthony J. Battaglia on 8/4/2017.(All non-registered users served via U.S. Mail Service)(mxn) (Entered: 08/17/2017)
08/25/2017	<u>7</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of the Interior, Bureau of Indian Affairs served. (acc) (Entered: 08/28/2017)
08/25/2017	<u>8</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of the Interior, Office of the Solicitor served. (acc) (Entered: 08/28/2017)
08/25/2017	<u>9</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of the Interior, Bureau of Indian Affairs served. (acc) (Entered: 08/28/2017)
08/25/2017	<u>10</u>	SUMMONS Returned Executed by Emilio Reyes. United States Attorney's office served. (acc) (Entered: 08/28/2017)
08/25/2017	<u>11</u>	SUMMONS Returned Executed by Emilio Reyes. United States Attorney General Office served. (acc) (Entered: 08/28/2017)
09/18/2017	<u>12</u>	MOTION to Dismiss Party ( <i>Individual Defendants</i> ) by Douglas Garcia, United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor, Ryan Zinke. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Proof of Service)(Parker, Katherine)Attorney Katherine Lind Parker added to party Douglas Garcia(pty:dft), Attorney Katherine Lind Parker added to party United States Department of the Interior, Bureau of Indian Affairs (pty:dft), Attorney Katherine Lind Parker added to party United States Department of the Interior, Office of the Solicitor(pty:dft), Attorney Katherine Lind Parker added to party Ryan Zinke(pty:dft)(ajs). (Entered: 09/18/2017)
09/18/2017	<u>13</u>	ORDER BY JUDGE BATTAGLIA; Setting Briefing Schedule re <u>12</u> MOTION to Dismiss Party ( <i>Individual Defendants</i> ) : Responses due by 10/3/2017; Replies due by 10/10/2017; sur-replies will not be accepted. Motion hearing scheduled for 11/30/17 at 2:00 p.m. in Courtroom 4A.(All non-registered users served via U.S. Mail Service)(no document attached) (sc) (Entered: 09/18/2017)
10/05/2017	<u>14</u>	NON Opposition re <u>12</u> MOTION to Dismiss Party ( <i>Individual Defendants</i> ) filed by Emilio Reyes. (acc) (Entered: 10/05/2017)
10/27/2017	<u>15</u>	Notice of Document Discrepancies and Order Thereon by Judge Anthony J. Battaglia Accepting Document <u>16</u> : First Amended Complaint, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), OTHER: Document not signed. Nunc Pro Tunc 10/20/2017. Signed by Judge Anthony J. Battaglia on 10/27/2017.(All non-registered users served via U.S. Mail Service)(acc) (Entered: 10/27/2017)
10/27/2017	<u>16</u>	FIRST AMENDED COMPLAINT against United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor, filed by Emilio Reyes.New Summons Requested. (acc) (Entered: 10/27/2017)
10/27/2017	<u>17</u>	Summons Issued re <u>16</u> First Amended Complaint. <b>Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to</b>

		<b>plaintiffs not receiving notice electronically.</b> (acc) (Entered: 10/27/2017)
10/27/2017	<u>18</u>	ORDER finding as moot <u>12</u> Motion to Dismiss Party, in light of Plaintiff's First Amended Complaint. (All non-registered users served via U.S. Mail Service)(no document attached) (sc) (Entered: 10/27/2017)
11/03/2017	<u>19</u>	Ex Parte MOTION Transfer to Judges Houston and Brooks by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Parker, Katherine) (acc). (Entered: 11/03/2017)
11/03/2017	<u>20</u>	ANSWER to <u>16</u> Amended Complaint by United States Department of the Interior, Office of the Solicitor, United States Department of the Interior, Bureau of Indian Affairs. (Attachments: # <u>1</u> Proof of Service)(Parker, Katherine)(acc). (Entered: 11/03/2017)
11/03/2017	<u>21</u>	Notice of Document Discrepancies and Order Thereon by Judge Anthony J. Battaglia Rejecting Document: Second Amended Complaint, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), OTHER: Fed. R. Civ. P. 15(a)(2) – Post–Answer amendment requires leave of court. Signed by Judge Anthony J. Battaglia on 11/3/2017.(All non-registered users served via U.S. Mail Service)(acc) (Additional attachment(s) added on 11/3/2017: # <u>1</u> Rejected Document) (acc). (Entered: 11/03/2017)
11/17/2017	<u>22</u>	SUMMONS Returned Executed by Emilio Reyes. United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor served. (acc) (Entered: 11/17/2017)
11/21/2017	<u>23</u>	ORDER granting <u>19</u> Defendants' Ex Parte Application to Transfer this Case to Judges Houston and Brooks. The Court ORDERS that the present case, 17-cv-1571, be transferred and low-numbered to Judges Houston and Brooks for all future matters. In the same strain, the Court ORDERS that case number 17-cv-1612-AJB NLS also be low-numbered to Judges Houston and Brooks. Thus, based on the foregoing, Defendants' ex parte application to transfer this case is GRANTED. The Clerk is to prepare the low number orders for cases 17-cv-1571 and 17-cv-1612. Signed by Judge Anthony J. Battaglia on 11/21/2017. (All non-registered users served via U.S. Mail Service)(acc) (Entered: 11/21/2017)
12/01/2017	<u>24</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to Judge John A. Houston and Magistrate Judge Ruben B. Brooks for all further proceedings. Judge Anthony J. Battaglia, Magistrate Judge Nita L. Stormes no longer assigned to case. Create association to 3:17-cv-01417-JAH-RBB. The new case number is 17cv1571-JAH-RBB. Signed by Judge Anthony J. Battaglia on 12/1/2017. Signed by Judge John Houston on 11/28/2017.(All non-registered users served via U.S. Mail Service)(acc) (Entered: 12/04/2017)
12/06/2017	<u>25</u>	NOTICE AND ORDER Setting Early Neutral Evaluation Conference. An Early Neutral Evaluation is set for 2/7/2018 at 1:30 PM in Courtroom 2C before Magistrate Judge Ruben B. Brooks. Signed by Magistrate Judge Ruben B. Brooks on 12/6/2017.(All non-registered users served via U.S. Mail Service)(rmc) (Entered: 12/06/2017)
02/08/2018	<u>26</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks. Early Neutral Evaluation Conference held on 2/8/2018. Settlement Conference set for 5/16/2018 at 1:30pm. Signed by Magistrate Judge Ruben B. Brooks on 2/08/2018. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/08/2018)
02/08/2018	<u>27</u>	SCHEDULING ORDER regulating discovery and other pre-trial proceedings. Settlement Conference set for 5/16/2018 01:30 PM in Courtroom 2C before Magistrate Judge Ruben B. Brooks. Proposed Pretrial Order due by 6/17/2019. Final Pretrial Conference set for 6/24/2019 02:30 PM in Courtroom 13B before Judge John A. Houston. Signed by Magistrate Judge Ruben B. Brooks on 2/08/2018.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/08/2018)
03/22/2018	<u>28</u>	MINUTE ORDER – Due to a conflict on the Courts calendar, the Court resets the settlement conference currently scheduled for May 16, 2018, at 1:30 p.m. to June 27, 2018, at 1:30 p.m. The parties shall submit a joint settlement status report directly to

		chambers by June 20, 2018. Signed by Magistrate Judge Ruben B. Brooks on 3/22/2018.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/22/2018)
06/20/2018	<u>29</u>	MINUTE ORDER – Due to a conflict on the Courts calendar, the settlement conference scheduled for June 27, 2018, at 1:30 p.m. is reset to July 10, 2018, at 10:00am. All other guidelines and requirements remain in effect.Signed by Magistrate Judge Ruben B. Brooks on 6/20/2018.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 06/20/2018)
07/11/2018	<u>30</u>	MINUTE ORDER: A settlement conference was held. A settlement conference is set for 1/15/2019 at 2:00 p.m. before Magistrate Judge Ruben B. Brooks. The parties shall submit a joint settlement status report by 1/8/2019. Signed by Magistrate Judge Ruben B. Brooks on 7/10/2018.(mpl) (Entered: 07/11/2018)
01/03/2019	<u>31</u>	Ex Parte MOTION to Stay <i>During Lapse in Federal Appropriations</i> by United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Norris, Brett)Attorney Brett Norris added to party United States Department of the Interior, Office of the Solicitor(pty:dft) (dlg). (Entered: 01/03/2019)
01/04/2019	<u>32</u>	ORDER granting <u>31</u> Motion to Stay During Lapse in Federal Appropriations. Signed by Judge John A. Houston on 1/3/19. (All non-registered users served via U.S. Mail Service)(dlg) (Entered: 01/04/2019)
01/08/2019	<u>33</u>	MINUTE ORDER – In light of the stay in effect in these matters due to the lapse in federal appropriations, the Court continues the settlement conference set for January 15, 2018 to February 26, 2019, at 2:00 p.m. The parties shall submit a joint settlement status report by February 19, 2019. As the date of the settlement conference approaches, the Court will reevaluate whether a further continuance is required if Congress has not yet appropriated funds by that time. Signed by Magistrate Judge Ruben B. Brooks on 1/08/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 01/08/2019)
02/01/2019	<u>34</u>	Joint MOTION to Amend/Correct <u>27</u> Scheduling Order, <u>33</u> Order,,, Set Hearings,,, Terminate Hearings,, <i>Regarding Lift of Stay</i> by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca)Attorney Rebecca Grace Church added to party United States Department of the Interior, Bureau of Indian Affairs (pty:dft), Attorney Rebecca Grace Church added to party United States Department of the Interior, Office of the Solicitor(pty:dft) (jpp). (Entered: 02/01/2019)
02/05/2019	<u>35</u>	MINUTE ORDER – The joint motion is GRANTED. The settlement conference set for February 26, 2019 is continued to March 19, 2019, at 2:00 p.m. The parties shall submit a joint settlement status report by March 12, 2019. Additionally, the pretrial conference set for June 24, 2019, at 2:30 p.m. before the Honorable John A. Houston is vacated. The pretrial conference will be reset after the resolution of pretrial motions. Signed by Magistrate Judge Ruben B. Brooks on 2/05/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/05/2019)
02/06/2019	<u>36</u>	MINUTE ORDER – The parties joint request to continue the deadline to file pretrial motions, set forth in their joint motionregarding lift of stay and request to amend the scheduling order [ECF No. 48], is GRANTED. The deadline tofile pretrial motions is continued from February 25, 2019, to April 23, 2019.. Signed by Magistrate Judge Ruben B. Brooks on 2/06/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/06/2019)
03/20/2019	<u>37</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks: Settlement Conference held on 3/20/2019. Settlement Conference set for 7/9/2019 at 2:00pm. Singed by Magistrate Judge Ruben B. Brooks on 3/20/209. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/20/2019)
04/23/2019	<u>38</u>	MOTION for Summary Judgment on FOIA Complaint and Motion to Consolidate by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration Howard, # <u>3</u> Declaration Long, # <u>4</u> Declaration Moore, # <u>5</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 04/23/2019)

05/13/2019	<u>39</u>	Notice of Document Discrepancies and Order Thereon by Judge John A. Houston Accepting Document: Ex Parte Application for Order Permitting Plaintiffs Late Filing on Response to Defendants Notice of Motion and Motion and Motion for Summary Judgment on FOIA Complaint, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), Civ. L. Rule 7.1: Lacking memorandum of points and authorities in support as a separate document. Nunc Pro Tunc 5/13/2019. Signed by Judge John A. Houston on 5/13/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 05/14/2019)
05/13/2019	<u>40</u>	Ex Parte Application for Order Permitting Plaintiffs Late Filing onResponse to Defendants Notice of Motion and Motion and Motion for Summary Judgment on FOIA Complaint, by Emilio Reyes. NUNC PRO TUNC 5/13/2019(jpp) (Entered: 05/14/2019)
05/22/2019	<u>41</u>	ORDER granting <u>40</u> Plaintiffs application for order permitting late filing. Plaintiff shall file his opposition to the motion for summary judgment no later than 5/28/2019. Signed by Judge John A. Houston on 5/21/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 05/22/2019)
05/23/2019	<u>42</u>	Notice of Document Discrepancies and Order Thereon by Judge John A. Houston Accepting Document: Memorandum in Opposition to Defendants Motion for Summary Judgment and in Support of Plaintiffs Motion for Summary Judgment, Opposition to Declaration of Javin Moore and Harley Long, Plaintiffs Notice of Non-Opposition to Defendants Motion to Consolidate, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), OTHER: LR 5.1.m All documents submitted for filing must be filed and captioned separately.. Nunc Pro Tunc 5/23/2019. Signed by Judge John A. Houston on 5/23/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 05/23/2019)
05/23/2019	<u>43</u>	Memorandum in Opposition to <u>38</u> Defendant's MOTION for Summary Judgment and in Support of Plaintiffs Motion for Summary Judgment, Opposition to Declaration ofJavin Moore and Harley Long, Plaintiffs Notice of Non-Opposition to Defendants Motion to Consolidate, filed by Emilio Reyes.NUNC PRO TUNC 5/23/2019 (jpp) (Entered: 05/23/2019)
05/31/2019	<u>44</u>	MOTION for Extension of Time to File Response/Reply as to <u>38</u> MOTION for Summary Judgment on <i>FOIA Complaint and Motion to Consolidate</i> by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 05/31/2019)
06/03/2019	<u>45</u>	ORDER grantingex parte application for a two week extension of time to file Defendants' reply in support of motion for summary judgment on FOIA Complaint. Defendants shall file any reply no later than 6/17/2019. The hearing on the motion is continued to 7/01/2019 at 2:30pm. Signed by Judge John A. Houston on 6/03/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 06/03/2019)
06/17/2019	<u>46</u>	Ex Parte MOTION for Leave to File Excess Pages <i>Unopposed</i> by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 06/17/2019)
06/17/2019	<u>47</u>	REPLY to Response to Motion re <u>38</u> MOTION for Summary Judgment on <i>FOIA Complaint and Motion to Consolidate</i> filed by United States Department of the Interior, Bureau of Indian Affairs, United States Department of the Interior, Office of the Solicitor. (Attachments: # <u>1</u> Declaration Supplemental Moore, # <u>2</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 06/17/2019)
06/18/2019	<u>48</u>	ORDER granting <u>46</u> unopposed ex parte application for two extra pages for Defendants' reply in support of motion for consolidation of cases and summary judgment on FOIA Complaint. Signed by Judge John A. Houston on 6/18/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 06/18/2019)
06/25/2019	<u>49</u>	ORDER vacating hearing on <u>38</u> motion for summary judgment and taking motion under submission. Signed by Judge John A. Houston on 6/25/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 06/25/2019)